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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Treasurer of the State of North Carolina,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

vs.

Leslie's, Inc., Michael R. Egeck, and
Steven M. Weddell,

Defendants.

Case No. 2:23-cv-01887-PHX-SMB

**DECLARATION OF ALLISON
KOSTECKA RE DEFENDANTS'
MOTION TO DISMISS
CONSOLIDATED COMPLAINT**

(Assigned to the Honorable Susan M.
Brnovich)

1 I, Allison Kostecka, hereby declare as follows:

2 1. I am admitted to practice before all of the courts of the State of Colorado and this Court.
3 I am an Of Counsel at the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for
4 Defendants in this matter. I submit this declaration in support of Defendants' Request for Judicial
5 Notice in Support of Defendants' Motion to Dismiss the Consolidated Complaint. I have personal
6 knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would testify
7 competently to the matters set forth herein.

8 2. Attached as **Exhibit 1** is a true and correct copy of a transcript from Leslie's earnings
9 call for Quarter 2 2022, dated May 5, 2022. This document is cited in paragraphs 46–49, 97–98, and
10 101 of the Consolidated Complaint.

11 3. Attached as **Exhibit 2** is a true and correct copy of a transcript from Leslie's "Robert
12 W. Baird Analyst Conference Call", dated June 6, 2022. This document is cited in paragraphs 50 of
13 the Consolidated Complaint.

14 4. Attached as **Exhibit 3** is a true and correct copy of a transcript from Leslie's earnings
15 call for Quarter 3 2022, dated August 5, 2022. This document is cited in paragraphs 53–56 and 102–
16 103 of the Consolidated Complaint.

17 5. Attached as **Exhibit 4** is a true and correct copy of a transcript from Leslie's Investor
18 Day call for fiscal year-end 2022, dated November 30, 2022. This document is cited in paragraphs 59–
19 61 and 106 of the Consolidated Complaint.

20 6. Attached as **Exhibit 5** is a true and correct copy of excerpts of Leslie's Form 10-K for
21 fiscal year 2022, filed on November 30, 2022. This document is cited in paragraph 62 and 110 of the
22 Consolidated Complaint.

23 7. Attached as **Exhibit 6** is a true and correct copy of a transcript from Leslie's earnings
24 call for Quarter 1 2023, dated February 2, 2023. This document is cited in paragraphs 64–68, 100, 104
25 and 106 of the Consolidated Complaint.

26 8. Attached as **Exhibit 7** is a true and correct copy of a transcript from Leslie's earnings
27 call for Quarter 2 2023, dated May 3, 2023. This document is cited in paragraphs 72–74, 76 and 106
28 of the Consolidated Complaint.

10. Attached as **Exhibit 9** is a true and correct copy of a transcript from Leslie's earnings call for Quarter 3 2023, dated August 2, 2023. This document is cited in paragraphs 82–85 of the Consolidated Complaint.

12. Attached as **Exhibit 11** is a true and correct copy of Steven Weddell's Form 4 filed with the SEC on February 9, 2022.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on April 22, 2024, in Denver, Colorado.

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